

Notice of Allowability

Application No.

10/614,222

Examiner

Dana Ross

Applicant(s)

GROB, BURKHART

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3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 20 July 2006.
2. ☒ The allowed claim(s) is/are 1,3-5,7-26 and 28-74.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

ALLOWANCE

1. As was noted in the previous office action, upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

Claim 1 links the previous withdrawn claims. Examiner spoke with Applicant's representative, John Holman, on 8 August 2006 and confirmed that the amended claim language of the current amendment reads on all of Applicant's embodiments.

Claim 1 is allowable. Claims 4, 13-26, 29, 30, 35-37, 39, 40, 42-44, 47, 48, 50, 51, 53-58, 60, 61, 65, 66, 68 and 70-74, previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement between the inventions of Species 1-32, as set forth in the Office action mailed on 01 July 2005, is hereby withdrawn** and claims 4, 13-26, 29, 30, 35-37, 39, 40, 42-44, 47, 48, 50, 51, 53-58, 60, 61, 65, 66, 68 and 70-74 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim(s) including all the limitations of an allowable claim is presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Therefore all previously withdrawn claims, which are dependent on claim 1, are rejoined and have been reviewed and are addressed below.

Drawings

2. The replacement drawing sheet for Figure 21 was received on 19 May 2006. This drawing is acceptable.

Allowable Subject Matter

3. Claims 1, 3-5, 7-26 and 28-74 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art neither anticipates nor renders obvious a machining installation as claimed in independent claim 1, specifically wherein the combination of limitations includes the workpiece being movable by the workpiece carriage along only one vertical linear Y-axis, the at least one workpiece carriage being guided in a stand or in a tower" and "the tool spindle being movable relative to the at least one workpiece carriage along the Z- and X-axes with respect to a direction of movement of the at least one workpiece carriage along the only one vertical linear Y-axis".

The closest prior art is US Pat. No. 3,559,256 (Lemelson, hereafter '246), US Pat. No. 5,688,084 (Fritz et al., hereafter '084) and WO 02/00388 (Geiger, also US Pat.No. 6,826,821, hereafter Geiger).

Each of the above prior art inventions are discussed in detail in the previous office actions.

However, neither '246, '084, or Geiger teach the combination of limitations wherein the workpiece is "movable by the workpiece carriage along only one vertical linear Y-axis, the at least one workpiece carriage being guided in a stand or in a tower" and "the tool spindle being movable relative to the at least one workpiece carriage along the Z- and X-axes with respect to a

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direction of movement of the at least one workpiece carriage along the only one vertical linear Y-axis”.

‘246 teaches the workpiece carriage can move in many different directions which include vertical movement (see col. 18, lines 8-26, for example). ‘246 provides for movement around more than one vertical Y-axes. ‘246 does not teach the workpiece is “movable by the workpiece carriage along only one vertical linear Y-axis, the at least one workpiece carriage being guided in a stand or in a tower” and “the tool spindle being movable relative to the at least one workpiece carriage along the Z- and X-axes with respect to a direction of movement of the at least one workpiece carriage along the only one vertical linear Y-axis”. ‘246 provides for movement around more than one vertical Y-axes”.

‘084 teaches the workpiece transport device rotatable and movable in two horizontal directions (see figure 1) but does not teach the workpiece transport device 41 movable in the Y-axis direction.

Geiger teaches the workpiece transport device movable in only one linear horizontal X-axis direction but does not teach the workpiece transport device 41 movable in the Y-axis direction (see figures 4 and 5).

Therefore, the prior art does not anticipate the claimed invention.

Furthermore, there is no motivation found to modify either ‘246, 084 or Geiger to obtain the claimed invention. To modify ‘246 would destroy the flexibility and workability of the invention, and there is no motivation found to provide either ‘084 or Geiger with a “carriage along only one vertical linear Y-axis, the at least one workpiece carriage being guided in a stand or in a tower” and “the tool spindle being movable relative to the at least one workpiece carriage

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along the Z- and X-axes with respect to a direction of movement of the at least one workpiece carriage along the only one vertical linear Y-axis”, and furthermore to do so, would require hindsight.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


dmr


MONICA CARTER
SUPERVISORY PATENT EXAMINER

Appd
OR 8/11/04



REPLACEMENT SHEET

Best Available Copy

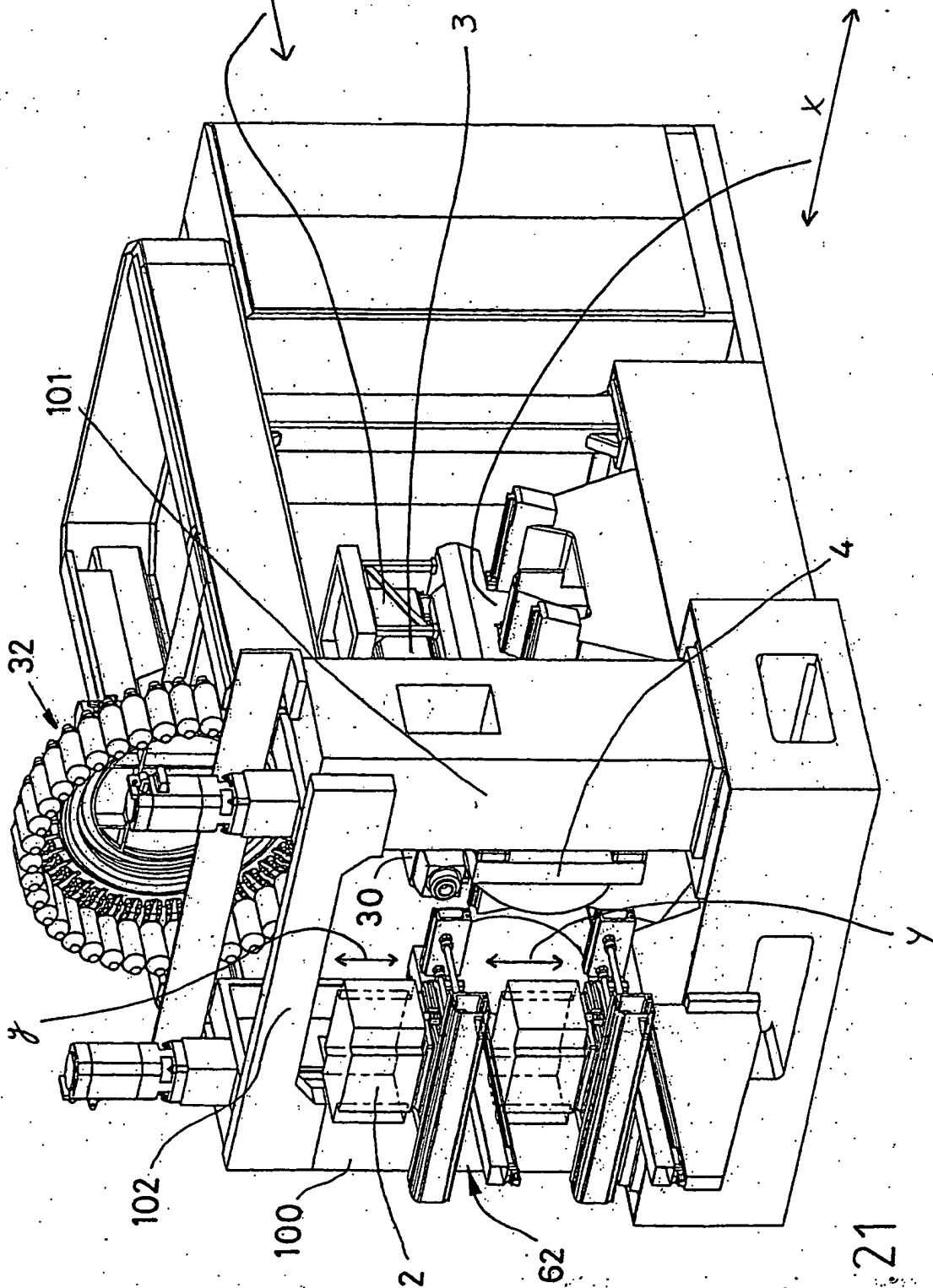


Fig. 21